

Remarks/Arguments

Claims 1, 7 and 10 have been amended.

The Examiner has rejected applicant's claim 10 under 35 U.S.C. §102(e) as being anticipated by the Kobayashi, et al. (US 6,441,978) patent. The Examiner has also rejected applicant's claims 1 and 4-8 under 35 U.S.C. §103(a) as being unpatentable over the Kobayashi, et al. patent in view of the Morel (US 4,534,628) patent. The Examiner has additionally rejected applicant's claims 3 and 9 under 35 U.S.C. §103(a) as being unpatentable over the Kobayashi, et al. patent in view of the Morel patent and further in view of the Chiou (US 4,993,065) patent. Applicant has amended applicant's independent claims 1, 7 and 10, and with respect to such claims, as amended, and their respective dependent claims, the Examiner's rejections are respectfully traversed.

Looking first at applicant's amended claim 10, this claim recites a head mounted display apparatus wherein the elastic members are arranged to be located on the outside of the display part in a state obtained when the right and left side frames are folded with respect to the front frame. Claim 10 has been further amended to recite that the elastic members are arranged to be located on the outside of the display screen of the display part when the left and right side frames are folded with respect to the front frame. Again applicant submits that such a construction is not taught or suggested by the Kobayashi, et al. patent.

More particularly, the Examiner has argued that the Kobayashi, et al. patent teaches a head mounted display device in which "the left and right frames 10L and 10R are hinged by hinges 10Lh and 10Rh which serve as the coupling mechanisms to the main frame 10M (col. 11, lines 30-33)" and that "the hinges 10Lh and 10Rh perform a function of folding state of the left and right rear frames 10L and 10R with respect to the front frame 10F when the head

mounted display device is not used.” However, the fact that the Kobayashi, et al. patent teaches that the frames 10L and 10 R can be folded with respect to the front frame 10F is not, in itself, a teaching or suggestion of the position of the folded left and right frames 10L and 10R with respect to image display unit 41, let alone that the folded frames be located outside of the display screen of the unit. In point of fact, as previously argued, the Kobayashi, et al. patent is completely silent as to position of the folded frames relative to the display unit 41.

Accordingly, applicant’s amended independent claim 10, in reciting “said elastic members are arranged to be located on the outside of a display screen of the display part in a state obtained when said right and left side frames are folded with respect to said front frame” patentably distinguishes over the Kobayashi, et al. patent.

Turning now to applicant’s amended independent claim 1, this claim recites a head-mounted display apparatus which includes side frames wherein each of the frames comprises an elastic member and a core member longitudinally inserted in the elastic member and the thickness of the elastic member relative to the core member is preferably arranged to be thicker on the inner side of the core member than on the outer side of the core member. Applicant’s independent claim 7 recites a similar construction.

The constructions recited in applicant’s independent claims 1 and 7, and their respective dependent claims are not taught or suggested by the cited art of record. The Examiner has acknowledged that the Kobayashi, et al. patent fails to teach that each of the frames comprises an elastic member and a core member longitudinally inserted in the elastic member, and that the thickness of the elastic member relative to the core member is thicker on the inner side of the core member. However, the Examiner has cited the Morel patent as teaching “spectacles comprising a left side frame and a right side frame, at least one side

frame comprising an elastic envelope elastic 8 (an elastic member, fig. 1) covered a side 5 (a core, fig 1, abstract)." The Examiner then concludes that it "would have been obvious to a person of ordinary skill in the art at the time of the invention to modify each of Kobayashi's rear frame including the elastic envelope 8 covered a side 5, in view of the teaching in the Morel's reference because this would provide a comfortable wearing without the risk of hurting the ears as taught by Morel" (col. 1, lines 9-11).

Applicant disagrees. In the first place, the Morel patent does not appear to teach that the envelope 8 is elastic. Thus, the Morel patent states that the "envelope 8 . . . is a composite" and that "[i]t comprises a metallic reinforced part 9 and an end which is also metallic and is used as a covering nut 10 and is attached to the threaded end 6 of the side 5 by its inside thread 11" (emphasis added). The patent further states that the "envelope 8 may comprise a single part which is produced, for example by injection, and is threaded inside to be screwed onto the threaded part 6 of the side 5" and "[i]n a variant this envelope 8 may be glued onto the side 5" (see, column 2, lines 54-62 of the Morel patent).

However, none of this discussion teaches or suggest that the envelope 8 is elastic, as the Examiner has argued. Moreover, nothing is stated in the patent that the envelope 8 is thicker on the inner side of the member 5 than on the outer side of the member. In fact, from the figures it appears that the thickness of the envelope 8 is the same on the inner and outer sides of the member 5. Additionally, the casing 13 of the Morel structure, which abuts the envelope 8, appears to be thicker on the outer side of the member 5 than the inner side.

In summary, the Morel patent does not teach or suggest an elastic member having a thickness arranged to be thicker on the inner side of a core member than on the outer side of the core member. The combination of the Kobayashi, et al. and the Morel patents thus fails to

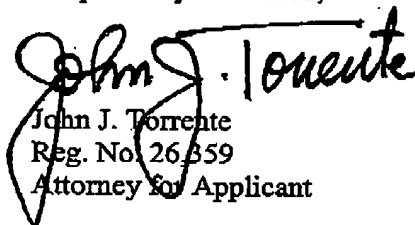
teach or suggest the invention of applicant's amended independent claims 1 and 7, and their respective dependent claims. The cited Chiou patent fails to add anything to the Kobayashi, et al. and Morel patents to change this conclusion.

In view of the above, it is submitted that applicant's claims, as amended, patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested.

Dated: August 18, 2004

COWAN, LIEBOWITZ & LATMAN, P.C.
1133 Avenue of the Americas
New York, NY 10036-6799
(212) 790-9200

Respectfully submitted,


John J. Torrente
Reg. No. 26,359
Attorney for Applicant